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Art Unit 3679

REMARKS

Claims 22-26 were presented for examination in the present application and remain pending upon entry of the instant amendment, which is respectfully requested.

Statement under 37 C.F.R. 1.104(e)

Claims 23-26 have been allowed. Applicant notes the Reasons for Allowance set forth in the Final Office Action. In accordance with 37 C.F.R. 1.104(e), Applicant respectfully submits that claims 23-26 of the present application are allowable for at least the reasons set forth in the specification, as well as the amendments and arguments presented by the Applicant.

Objection to the Specification and Claims

The specification has been amended to correct the errors noted by the Examiner. The Office Action noted that the term "normally" in claim 23 appears misspelled due to the quality of the fax. As can be seen from unamended claim 23, the term "normally" is spelled correctly.

Claim 24 has been amended in the manner suggested by the Examiner. Applicant submits that this amendment merely makes explicit what had been implicit in the claim.

Accordingly, reconsideration and withdrawal of the objections to the specification and claims are respectfully requested.

Premature Final

Applicant requests withdrawal of the finality of the Final Office Action.

Second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an IDS. See the *Manual for Patent Examining Practice* Section 706.07(a).

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In the instant application, claim 22 was unamended and no IDS was filed.

The grounds of rejection set forth by the Office Action dated October 12, 2006 stated: "The locking member 43 has a tab 50 and a button 48 (emphasis added)." However, the grounds of rejection set forth by the Final Office Action dated May 3, 2007 stated: "The locking member 43 has a tab 41 and a button 48 (emphasis added)."

Applicant respectfully submits that the Final Office Action changed the ground of rejection by now asserting that part 41 of Coutts reads on the claimed tab, whereas the previous Office Action asserted that part 50 of Coutts read on the claimed tab.

The change in position from part 50 to part 41 represents different grounds of rejection that was neither necessitated by Applicant's amendments nor the filing of an IDS. Accordingly, it is respectfully submitted that the Final Office Action is premature and Applicant respectfully requests withdrawal of such finality, as well as entry and consideration of the instant amendment.

Rejection under 35 U.S.C. §102

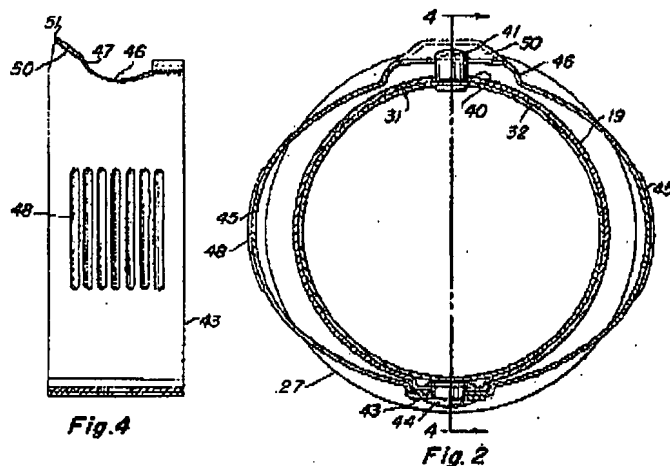
Claim 22 was rejected under 35 U.S.C. §102 over U.S. Patent No. 2,832,612 to Coutts (Coutts).

Independent claim 22 recites, in part, "a locking member having a tab".

The Final Office Action asserts that Coutts discloses a locking member 43 having a tab 41. Applicant disagrees.

Specifically, Applicant asserts that part 43 of Coutts simply can not be considered as "having" part 41. Rather, Applicant asserts that part 33 of Coutts has part 41. For purposes of discussion, Figures 2 and 4 of Coutts are reproduced below.

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Coutts discloses an oval spring band 43 that has an opening 46 defined by a peripheral wall 47. Spring band 43 is secured to the outer tube 31 by rivet 44. Coutts further discloses that pin 41 is on inner tube 33 (emphasis added). See col. 2, line 13. Note: Applicant asserts that Figure 2 above incorrectly labels inner tube 33 with reference number 32.

In order to separate the tubes 31, 33 the operator applies pressure to the spring band 43 at the points 48-48 to compress the spring along its major axis which causes the cam surface 50 to be raised above the pin 41 whereby the latter may be removed from the defining edge 47 of the opening 46 and beyond the slot 40 to uncouple the tubes so that they may be separated. See col. 2, lines 20-60.

Thus, Coutts discloses that pin 41 remains stationary on inner tube 33, while the oval spring band 43 has an opening 46 that is normally biased to receive this stationary pin so that the outer tube 31 can be separated from the inner tube 31.

Applicant submits that spring band 43 clearly does not have pin 41 as required by claim 22, but rather the pin 41 is on the inner tube 33.

Accordingly, claim 22 is not disclosed or suggested by Coutts. Claim 22 is therefore in condition for allowance. Reconsideration and withdrawal of the rejection to

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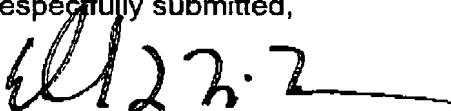
claim 22 are respectfully requested.

Conclusion

In view of the above, it is respectfully submitted that the present application is in condition for issuance. Such action is solicited. In the alternative, Applicant respectfully submits that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of the instant amendment, at least for the purposes of appeal, are respectfully requested.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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Edward L. McMahon
Registration No. 44,927
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401